

Proposed Rule
LSA Document #21-540

DIGEST

Amends [345 IAC 7-7-2](#) to authorize the state veterinarian to approve an extension of time or alternate method for animal carcass disposal in response to an animal disease outbreak, weather emergency, or other catastrophic event. Amends [345 IAC 7-7-3](#) to authorize disposal of animal carcasses and condemned and inedible waste by above ground burial. Adds [345 IAC 7-7-3.4](#) to relocate and amend burial standards for animal carcasses and condemned and inedible waste. Amends [345 IAC 7-7-3.5](#) to clarify what constitutes thoroughly and completely composted material. Amends [345 IAC 7-7-3.6](#) and [345 IAC 7-7-3.7](#) to clarify what constitutes thoroughly and completely incinerated and digested material. Adds [345 IAC 7-7-3.8](#) to establish standards for above ground burial of animal carcasses and condemned and inedible waste. Adds [345 IAC 7-7-4.5](#) to clarify the requirements for commercial carcass and inedible waste disposal facilities. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[345 IAC 7-7-2](#); [345 IAC 7-7-3](#); [345 IAC 7-7-3.4](#); [345 IAC 7-7-3.5](#); [345 IAC 7-7-3.6](#); [345 IAC 7-7-3.7](#); [345 IAC 7-7-3.8](#); [345 IAC 7-7-4.5](#)

SECTION 1. [345 IAC 7-7-2](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 7-7-2](#) Exemption or license required

Authority: [IC 15-17-3-21](#); [IC 15-17-5-5](#)

Affected: [IC 15-17](#)

Sec. 2. (a) No person shall transport animal carcasses, condemned and inedible waste, or restaurant grease in the state unless that person:

- (1) holds a valid disposal plant license or collection service license and transport vehicle licenses issued under [IC 15-17-11](#); or
- (2) is exempt under [IC 15-17-11-1](#) or this rule.

(b) A person who owns, cares for, or possesses an animal that dies must dispose of all parts of the animal carcass within twenty-four (24) hours of knowing of the death in a manner that meets the requirements in this rule.

(c) A slaughtering establishment must dispose of condemned and inedible waste in compliance with the following:

- (1) [IC 15-17-5](#).
- (2) [345 IAC 9](#).
- (3) [345 IAC 10](#).
- (4) This rule.

(d) The following persons and activities are exempt from the requirements in this rule:

- (1) The transportation or selling of any meat and meat products for the purpose of human consumption.
- (2) Persons transporting, disposing of, or selling the hides or skins of animals, or tanning animal hides or skins provided no other byproducts operation is involved.
- (3) Persons transporting and disposing of carcasses of the following:
 - (A) Fish.
 - (B) Reptiles.
 - (C) Dogs.
 - (D) Cats.
 - (E) Small game.
- (4) Any governmental agency collecting, transporting, or disposing of animal carcasses in any manner.
- (5) An animal owner or a person caring for animals who is transporting the carcass of an animal that ~~he or she~~ **the person** owns or cared for to a diagnostic facility or a site for disposal in compliance with this rule.
- (6) Transportation and disposal of the carcasses of wild deer and other wild animals.

(7) Any person collecting, transporting, or disposing of animal carcasses in any manner for educational or research purposes.

(8) Any person engaging in the disposal of animal carcasses under a timeline and method set forth in a specific approval from the state veterinarian for the purpose of responding to an animal disease outbreak, weather emergency, or other catastrophic event.

(e) A person disposing of animal carcasses and condemned and inedible waste from other operations must obtain a disposal plant license from the board under [IC 15-17-11](#) and meet the requirements of section 4.5 of this rule prior to accepting carcasses or waste from other operations for disposal. However, the following may be transported to another site and accepted for disposal without a license:

(1) Persons and activities excluded from this rule under subsection (d).

(2) Animal carcasses and condemned and inedible waste from facilities or animals under common ownership or management.

(e) (f) The following apply to disposal plant, collection service, and transport vehicle licenses issued under this section:

(1) The license fees are those listed in [IC 15-17-11-7](#).

(2) Each license expires at the end of the day on May 31 or the date a replacement license is issued, whichever is earlier. Licenses issued in March and April expire May 31 of the next year.

(3) A license may be renewed.

(Indiana State Board of Animal Health; [345 IAC 7-7-2](#); filed Jan 20, 1988, 4:04 p.m.: 11 IR 1758; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 694; readopted filed Jul 18, 2008, 8:16 a.m.: [20080813-IR-345080287RFA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Jun 16, 2011, 8:46 a.m.: [20110713-IR-345100561FRA](#); readopted filed Jul 17, 2017, 9:06 a.m.: [20170816-IR-345170165RFA](#))

SECTION 2. [345 IAC 7-7-3](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 7-7-3](#) Disposal methods

Authority: [IC 15-17-3-21](#); [IC 15-17-5-5](#)

Affected: [IC 15-17](#)

Sec. 3. (a) Animal carcasses and condemned and inedible waste shall be disposed of by one (1) or more of the following methods:

(1) Removal to a licensed disposal plant.

(2) **Disposal by** burying the carcass or condemned and inedible waste ~~on the owner's premises to a depth of four (4) feet or more, with a covering of at least four (4) feet of earth in addition to any other materials that may be used for covering. The following are prohibited:~~

~~(A) Burying a carcass or condemned and inedible waste:~~

~~(i) in a location without the landowner's permission; or~~

~~(ii) within the corporate limits of a city or town if the burial is prohibited by ordinance.~~

~~(B) Placing carcasses in a burial trench or pit without completely covering them with at least four (4) feet of earth. in compliance with the standards set forth in section 3.4 of this rule.~~

(3) Thorough and complete incineration of the carcass or condemned and inedible waste in compliance with the standards in this rule.

(4) Thorough and complete composting of the carcass or condemned and inedible waste in compliance with the standards in this rule.

(5) By sale to a plant producing pet food under permit issued by the state veterinarian under [IC 15-17-11-25](#).

(6) Disposal by biodigestion, such as anaerobic digestion, in compliance with the standards in this rule.

(7) Disposal by chemical digestion, such as alkaline hydrolysis reduction, in compliance with the standards in this rule.

(8) Disposal by feeding to exotic animals in compliance with the standards in this rule.

(9) By delivering the animal carcass or waste to a facility approved by the state to operate as a landfill.

However, a person may not dispose of animal carcasses or waste in a landfill if other state laws prohibit the landfill from accepting the carcasses or waste. The operator of a landfill is not required by this rule to accept animal carcasses or condemned and inedible waste.

(10) Disposal by above ground burial in compliance with the standards set forth in section 3.8 of this rule.

(b) A person meets the disposal requirement in section 2(b) of this rule if they have arranged for a disposal plant or collection service to pick up the animal carcasses, including a prearranged contract for ongoing periodic collection, even if the actual pickup by the disposal plant or collection service occurs after twenty-four (24) hours have passed. The person responsible for disposal shall secure the carcasses in a manner that can reasonably be expected to prevent other animals from accessing the carcasses prior to pickup. An authorized person may give permission for a disposal plant or collection service to enter a premises as required under [IC 15-17-11-19](#) and section 7(4) of this rule in any manner that communicates their intent, such as:

- (1) placing an order to pick up a dead animal; or
- (2) entering into a prearranged contract for ongoing periodic collection.

(c) A person applying for meat or poultry inspection or an exemption from inspection under [IC 15-17-5](#) shall notify the state veterinarian in writing of the method by which the applicant will dispose of the animal carcasses and condemned and inedible waste from the establishment. If the establishment changes the method of disposal, the owner must notify the state veterinarian in writing within fifteen (15) days of the change.

(d) The state veterinarian may authorize or order that any particular animal or condemned and inedible waste, or any class of animal or waste, be disposed of in a particular manner, including a manner not listed in subsection (a), **or subject to alternate standards to those required by this rule, which have been determined to equivalently further for the purpose of:**

- (1) addressing an emergency;
- (2) facilitating research;
- (3) preventing the spread **or responding to diseases, pests, and other hazards of disease animals;** or
- (4) protecting the public health.

(Indiana State Board of Animal Health; [345 IAC 7-7-3](#); filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 694; readopted filed Jul 18, 2008, 8:16 a.m.: [20080813-IR-345080287RFA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Jun 16, 2011, 8:46 a.m.: [20110713-IR-345100561FRA](#); readopted filed Jul 17, 2017, 9:06 a.m.: [20170816-IR-345170165RFA](#))

SECTION 3. [345 IAC 7-7-3.4](#) IS ADDED TO READ AS FOLLOWS:

[345 IAC 7-7-3.4](#) Burial

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17-11-20](#)

Sec. 3.4. (a) A person burying animal carcasses or condemned and inedible waste must meet the following requirements:

- (1) The burial must occur on the owner's premises or other location authorized by the landowner.**
- (2) The carcasses or condemned and inedible waste must be placed to a depth below grade and with a sufficient covering to prevent the following:**
 - (A) Resurfacing of any part of the carcass.**
 - (B) Access to the carcass by scavenger animals.**
 - (C) Odor emissions of a level that creates a public nuisance.**

(b) A person may not bury a carcass or condemned and inedible waste within the corporate limits of a city or town if the burial is prohibited by ordinance.

(Indiana State Board of Animal Health; [345 IAC 7-7-3.4](#))

SECTION 4. [345 IAC 7-7-3.5](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 7-7-3.5](#) Composting

Authority: [IC 15-17](#)

Affected: [IC 15-17-11](#)

Sec. 3.5. (a) A person composting animal carcasses or condemned and inedible waste must meet the following requirements:

~~(1) The composting operation must be operated in a manner that meets all of the following conditions:~~

~~(A) (1) The compost pile is secured in a manner that can reasonably be expected to prevent domestic and wild animals from disrupting the compost pile. such as:~~

- ~~(i) securing the compost pile in a building or a within a fenced area;~~
- ~~(ii) covering the compost pile in a manner that prevents access to the pile; or~~
- ~~(iii) using an in-vessel composting system.~~

~~(B) (2) Carcasses added to a compost pile must be completely covered with the carbon amendment at the time the carcasses are added.~~

~~(C) (3) Leachate runoff must be prevented or controlled using a method that can reasonably be expected to accomplish the requirement. such as:~~

- ~~(i) locating the compost pile in a building;~~
- ~~(ii) covering the compost pile with a tarp or under a roof; or~~
- ~~(iii) using a sufficient amount of carbon material underneath the compost pile and covering the compost pile.~~

~~(D) (4) The process must expose the material being processed to conditions that:~~

- ~~(i) (A) are reasonably likely to kill pathogenic organisms; and~~
- ~~(ii) (B) will thoroughly and completely break down the material to a stage of decomposition where no visible pieces of soft tissue are present.~~

The resulting finished product may contain small bones, bone fragments, feathers, and wool that have been processed but retain their structure. Any part that is not completely composted, such as large femur bones or skulls from adult livestock, must be crushed or removed from the compost prior to or within twenty-four (24) hours after land application and must be disposed of in accordance with section 3 of this rule.

~~(2) A person disposing of animal carcasses and condemned and inedible waste from other operations must obtain a disposal plant permit from the board under [IC 15-17-11](#) prior to accepting carcasses or waste from other operations for disposal. However, the following may be transported to another site and accepted for composting without a permit:~~

- ~~(A) Persons and activities excluded from this rule under section 2(d) of this rule.~~
- ~~(B) Animal carcasses and condemned and inedible waste from facilities under common ownership or management.~~

(b) A slaughtering establishment must meet the following additional requirements to compost animal carcasses and condemned and inedible waste:

(1) The composting operation may not be located in a facility that:

- (A) shares a common wall or roof with the slaughtering establishment; or
- (B) utilizes the same air handling equipment as the slaughtering establishment.

(2) Equipment and supplies used in the composting operation may not be moved into the slaughtering establishment.

(3) The slaughtering establishment must establish and follow procedures that will prevent adulteration of products intended for human food from the movement of personnel between the compost facility and the slaughtering establishment.

~~(c) The state veterinarian may order that any particular animal or condemned and inedible waste, or any class of animal or waste, not be composted, or composted in a particular manner, in order to prevent the spread of disease and protect the public health.~~

(Indiana State Board of Animal Health; [345 IAC 7-7-3.5](#); filed Nov 4, 2002, 12:07 p.m.: 26 IR 695; readopted filed Jul 18, 2008, 8:16 a.m.: [20080813-IR-345080287RFA](#); filed Jun 16, 2011, 8:46 a.m.: [20110713-IR-345100561FRA](#); readopted filed Jul 17, 2017, 9:06 a.m.: [20170816-IR-345170165RFA](#))

SECTION 5. [345 IAC 7-7-3.6](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 7-7-3.6](#) Incineration

Authority: [IC 15-17](#)

Affected: [IC 15-17](#)

Sec. 3.6. (a) Subject to the limitations in subsections (b) ~~through (d)~~, **and (c)**, a person may dispose of carcasses by incineration.

(b) Disposal by incineration must:

(1) expose the material being processed to conditions that are reasonably likely to kill pathogenic organisms; and

(2) result in the carcasses and waste being thoroughly and completely incinerated **to a stage where no visible pieces of soft tissue are present.**

The resulting finished product may contain small bones, bone fragments, feathers, and wool that have been processed but retain their structure. If the process results in a carcass part that is not completely incinerated, **such as large femur bones or skulls from adult livestock**, the part must be **crushed or** disposed of in accordance with section 3 of this rule.

(c) A person may not dispose of carcasses by open burning unless the open burning is allowed under [326 IAC 4-1](#).

~~(d) The state veterinarian may order that any particular carcass or condemned and inedible waste, or any class of carcass or waste, not be incinerated, or incinerated in a particular manner, in order to prevent the spread of disease and protect the public health.~~

(Indiana State Board of Animal Health; [345 IAC 7-7-3.6](#); filed Jun 16, 2011, 8:46 a.m.: [20110713-IR-345100561FRA](#); readopted filed Jul 17, 2017, 9:06 a.m.: [20170816-IR-345170165RFA](#))

SECTION 6. [345 IAC 7-7-3.7](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 7-7-3.7](#) Digestion

Authority: [IC 15-17](#)

Affected: [IC 13](#); [IC 15-17-11](#)

Sec. 3.7. (a) A person disposing of animal carcasses or condemned and inedible waste through biodigestion or chemical digestion must meet the following requirements:

(1) ~~He or she~~ **The person** must obtain a disposal plant permit from the board under [IC 15-17-11](#) prior to accepting material from other operations. Carcasses or condemned and inedible waste from facilities under common ownership or management may be disposed of via biodigestion without obtaining a permit.

(2) The digestion process must be operated in a manner that meets all of the following conditions:

(A) The carcasses and waste must be thoroughly and completely digested **to a stage where the resulting finished product does not contain visible pieces of soft tissue.**

(B) The end product must be disposed of in compliance with [IC 13](#), the state environmental laws.

(C) The process must:

(i) not create a health hazard to humans or animals; and

(ii) expose the material being processed to conditions that are reasonably likely to kill pathogenic organisms.

The resulting finished product may contain small bones, bone fragments, feathers, and wool that have been processed but retain their structure. If the process results in a carcass part that is not thoroughly and completely digested, such as large femur bones or skulls from adult livestock, the part must be crushed or disposed of in accordance with section 3 of this rule.

(b) A slaughtering establishment disposing of animal carcasses and condemned and inedible waste through digestion must meet the following additional requirements:

(1) The digestion operation may not be located or operated in a way that exposes products intended for human food to contamination.

(2) Equipment and supplies used in the digestion operation may not be used in the slaughtering operation.

~~(c) The state veterinarian may order that any particular carcass or condemned and inedible waste, or any class of carcass or waste, not be disposed of via digestion, or digested in a particular manner, in order to prevent the spread of disease and protect the public health.~~

(Indiana State Board of Animal Health; [345 IAC 7-7-3.7](#); filed Jun 16, 2011, 8:46 a.m.:

SECTION 7. [345 IAC 7-7-3.8](#) IS ADDED TO READ AS FOLLOWS:

[345 IAC 7-7-3.8](#) Above ground burial

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17-11-20](#)

Sec. 3.8. Except as provided in section 3(d) of this rule, a person disposing of animal carcasses or condemned and inedible waste by above ground burial must meet the following requirements:

- (1) Soil excavation of the burial trench must be to a depth in the range of twenty (20) to twenty-four (24) inches.
- (2) At least twelve (12) inches of carbonaceous material must be placed throughout the entire bottom of the trench.
- (3) Large carcasses must be placed in a single layer.
- (4) Carcasses placed in the trench shall not remain uncovered for longer than twenty-four (24) hours.
- (5) Excavated soil shall be placed on top of the animal carcasses or condemned and inedible waste in compliance with the standards set forth in section 3.4(a) of this rule.
- (6) The soil cover must be thoroughly seeded to facilitate the growth of a layer of vegetation.
- (7) The burial trench shall not be graded or otherwise disturbed until the animal carcasses are to a state of decomposition where no visible pieces of soft tissue are present.

(Indiana State Board of Animal Health; [345 IAC 7-7-3.8](#))

SECTION 8. [345 IAC 7-7-4.5](#) IS ADDED TO READ AS FOLLOWS:

[345 IAC 7-7-4.5](#) Commercial carcass and inedible waste disposal

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17](#)

Sec. 4.5. (a) A person that:

- (1) is disposing of animal carcasses and condemned and inedible waste from operations not owned or managed by the person; and
 - (2) does not qualify for an exemption under section 2 of this rule;
- must meet the requirements of this section.

(b) A disposal plant that is disposing of animal carcasses and condemned and inedible waste by rendering must meet the building specifications set forth at [IC 15-17-11-23](#).

(c) Prior to accepting carcasses for commercial disposal, a person subject to the section must meet the following requirements:

- (1) Apply for a disposal plant license under [IC 15-17-11](#).
- (2) Submit written plans to the state veterinarian which demonstrate how the disposal method meets the requirements in [IC 15-17-11](#) and this rule.
- (3) Maintain the following records for carcasses and condemned and inedible waste obtained:
 - (A) Name and address of the person from whom the material is obtained.
 - (B) Date the material is obtained.
 - (C) A general description of the type, and number or volume, of material obtained.
- (4) Provide board personnel access to the property and records, as provided in [IC 15-17-3](#), to verify that the commercial disposal is being conducted in a manner that does not present a risk to public health.

(Indiana State Board of Animal Health; [345 IAC 7-7-4.5](#))

[Notice of Public Hearing](#)

